

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:) Case No. 17-20543 JAD
David H. Zimmer,)
Debtor.) Chapter 7
)
Daniel Peter Morris, and)
Lucille Aiosa Morris, Creditors)
Movants,)
vs.) Related Document No.: 613, 611, 593,
) 592, 564
Rosemary C. Crawford, Chapter 7 Trustee) Hearing Date: 09/21/2021
Respondent) Haring Time: 10 AM
)

Creditors Daniel Peter Morris and Lucille Aiosa Morris
Supplement to Doc 611
Motion For Reconsideration Under Fed. R. Bankr. P. 8002(b)
and 9023 of the Decision at Doc 592 and Order at Doc 593 on the Chapter 7 Trustee's
Emergency Motion at Doc 564

1. Creditors Daniel Peter Morris and Lucille Aiosa Morris (“Morrises”) file this "*Creditors Daniel Peter Morris and Lucille Aiosa Morris Supplement to Doc 611 Motion For Reconsideration Under Fed. R. Bankr. P. 8002(b) and 9023 of the Decision at Doc 592 and Order at Doc 593 on the Chapter 7 Trustee’s Emergency Motion at Doc 564*".
2. To the Conclusion of the Motion at Doc 611 add the following concise statement of an argument presented therein.
3. By operation of Pennsylvania Rules Chapter 3000 - JUDGMENTS Rule 3252 entitled “Writ of execution; money judgments” which provides that a Writ of Execution thereunder “attaches all property of the Defendant subject to attachment” such writ does not apply to Bankruptcy Estate Assets since by operation of Title 11 U.S. Code Bankruptcy Estate Assets are not subject to attachment by the Writ of Execution. Thus, by operation of law Morris having served the Writ of Execution on the Chapter 7 Trustee cannot violate the 11 U.S.C § 362(a) automatic stay. This is

supported by the 3rd Circuit stating: “The bankruptcy code's automatic stay provision prohibits ‘any act to obtain possession of property of the estate’ 11 U.S.C. § 362(a)(3). “ [In re Lansdale Family Rests., Inc., 977 F.2d 826, 829 \(3d Cir. 1992\)](#). Thus, an intentional act to have the Writ of Execution served on the Chapter 7 Trustee by operation of law cannot “‘obtain possession of property of the estate’” *id.*

WHEREFORE, Morris respectfully request the Court to grant the Motion.

Respectfully submitted,

/s/Daniel Peter Morris
Daniel Peter Morris
Creditor, Pro se
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Date 08/30/2020

/s/ Lucille Aiosa Morris
Lucille Aiosa Morris
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Date 08/30/2020

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CERTIFICATE OF SERVICE

I, Daniel Peter Morris, certify under penalty of perjury that I am, and at all times hereinafter mentioned was, more than 18 years of age and that on that 08/30/2021 that I served a copy of the within paper:

BY EMAIL ON

1. Office of the United States Trustee Liberty Center at ustpreregion03.pi.ecf@usdoj.gov
2. Rosemary C. Crawford, Chapter 7 Trustee, at crawfordmcdonald@aol.com
3. Donald R. Calaiaro, attorney for debtor, at dcalaiaro@c-vlaw.com
4. David Z. Valencik, attorney for debtor at dvalencik@c-vlaw.com
5. Richard Hagerman attorney for Department of Treasury Internal Revenue Service, richard.j.hagerman@usdoj.gov
6. Ward W. Benson attorney for Department of Treasury Internal Revenue Service, ward.w.benson@usdoj.gov
7. Larry Wahlquist, Trial Attorney for U.S. Trustee at Larry.E.Wahlquist@usdoj.gov

/s/ Daniel Peter Morris

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Executed on 08/30/2021

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